

REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims are not anticipated under 35 U.S.C. § 102 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.

The applicants will now address each of the issues raised in the outstanding Office Action.

Objections

Claim 4 is objected to because of a minor informality. Since claim 4 has been amended to address the issue raised by the Examiner, the applicants respectfully request that the Examiner withdraw this objection.

Rejections under 35 U.S.C. § 102

Claims 1-6 and 9-40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0054589 ("the Nicholas publication"). The applicants respectfully request that

the Examiner reconsider and withdraw this ground of rejection in view of the following.

First, since claim 6 has been canceled, this ground of rejection is rendered moot with respect to this claim.

Next, independent claim 1 has been amended to incorporate the features of former claim 6. Independent claims 29 and 36 were similarly amended. Independent claims 1, 29 and 36, as amended, are not anticipated by the Nicholas publication. Specifically, the Nicholas publication does not teach that the determination of whether a condition is met (and therefore of whether a first entity is to provide a set of relevant ads) depends on whether the **target document is available for analysis by the first entity to determine if an ad relevant to the content of the target document is available for rendering.**

In rejecting the features of previously presented claim 6 (incorporated into claim 1), the Examiner contends that paragraph [0062] of the Nicholas publication teaches that "the condition depends on whether the target document is available for analysis by the first entity to determine if a relevant ad is available for rendering, and if not, determining that the condition is not met." (Paper No. 20080626, page 5) The applicants respectfully disagree.

The portion of the Nicholas publication cited by the Examiner as teaching this feature concerns the ability of advertisers to "defin[e] the web sites or other network channels over which the advertisement may be displayed." (Paragraph [0062] of the Nicholas publication) However, this does not teach that the determination of whether a condition is met (and therefore of whether a first entity

is to provide a set of relevant ads) depends on whether the **target document is available for analysis by the first entity to determine if a relevant ad is available for rendering.**

Thus, claims 1, 29 and 36, as amended, are not anticipated by the Nicholas publication for at least the foregoing reasons. Since claims 3-17 and 19-28 directly or indirectly depend from claim 1, since claims 30-35 and 39 depend from claim 29, and since claims 37, 38 and 40 depend from claim 36, these claims are similarly not anticipated by the Nicholas publication.

Dependent claim 5, as amended, is further distinguished from the cited reference since it recites that "the condition" depends on whether the first entity determines the **target document can be crawled.** That is, the first entity determines whether the content of the target document can be analyzed for negative content, for example. The portion of the Nicholas publication cited by the Examiner as teaching this feature concerns "searching, indexing, and cataloging means" which "may be employed to process the content of the requesting page." (Paragraph [0197] of the Nicholas publication.) However, this does not teach that **the determination of whether a condition is met** (and therefore of whether a first entity is to provide a set of relevant ads) **depends on whether the target document can be crawled.** Thus, dependent claim 5 is anticipated by the Nicholas publication for at least this additional reason.

Dependent claim 12, as amended, is further distinguished from the cited reference since it recites

that "the condition" depends on whether the first entity determines **that net revenue for rendering the ad will be positive for the first entity**. Specifically, the specification provides:

More generally, such a condition may be based on the ad system determining whether an amount to be paid to the publisher or other entity for providing one or more ads (or more generally, for using the resource of the target document to render ads or other content) exceeds the (expected) return for the ad system if those ads are rendered in conjunction with the target document; **in other words, will gross return/revenue exceed cost for the ad system if one or more ads are rendered**. Such return or cost may be a function of whether, how much, or how often ads are rendered in conjunction with the target document, the placement/prevalence of those ads, or the clicks those ads receive or are expected to receive from the advertising targets upon whom those ads are impressed. Thus if the ad system determines that rendering an ad using the resource of the target document will likely result in a net gain **for the ad system**, this condition may be deemed to have been met, which case the publisher may service the ad rendering request. [Emphasis added.]

(Paragraph [0048] of the present application)

The portion of the Nicholas publication cited by the Examiner as teaching this feature provides:

Publication details page 320 may provide the administrator with information relating to the

advertisers, publications or media companies having access to ad selection node 140. This information may include contract information such as the **determined revenue split, cost per thousand impressions (CPM), and beginning and end dates**. Publication details page 320 may contain or link to a page for viewing further information, editing information, or inserting new information relating to publications. [Emphasis added.]

(Paragraph [0087] of the Nicholas publication)

As can be appreciated from the foregoing, the Nicholas publication "provide[s] the administrator with information relating to the advertisers" which "may include contract information such as the determined revenue split, cost per thousand impressions (CPM), and beginning and end dates". (Paragraph [0087] of the Nicholas publication) However, this does not teach determining whether **net revenue for rendering the ad will be positive for the first entity**. More specifically, the Nicholas publication does not teach that the determination of whether a condition is met (and therefore of whether a first entity is to provide a set of relevant ads) depends on whether the **net revenue for rendering the ad will be positive for the first entity**. Thus, dependent claim 12 is not anticipated by the Nicholas publication for at least this additional reason. Since claims 13-16 directly or indirectly depend from claim 12, these claims are similarly not anticipated by the Nicholas publication.

Rejections under 35 U.S.C. § 103

Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Nicholas publication in view of U.S. Patent Application Publication No. 2004/0019523 ("the Barry publication"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Dependent claims 7 and 8 indirectly depend from claim 1. The purported teachings of the Barry publication would not compensate for the deficiencies of the Nicholas publication with respect to claim 1, discussed above, regardless of the scope of purported teachings of the Barry publication, and regardless of the absence or presence of an obvious reason to combine these references. Consequently, claims 7 and 8 are not rendered obvious by the cited references for at least this reason.

Conclusion

In view of the foregoing amendments and remarks, the applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.


Any arguments made in this amendment pertain **only** to the specific aspects of the invention **claimed**. Any claim amendments or cancellations, and any arguments, are made **without prejudice to, or disclaimer of**, the applicants'

right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Since the applicants' remarks, amendments, and/or filings with respect to the Examiner's objections and/or rejections are sufficient to overcome these objections and/or rejections, the applicants' silence as to assertions by the Examiner in the Office Action and/or to certain facts or conclusions that may be implied by objections and/or rejections in the Office Action (such as, for example, whether a reference constitutes prior art, whether references have been properly combined or modified, whether dependent claims are separately patentable, etc.) is not a concession by the applicants that such assertions and/or implications are accurate, and that all requirements for an objection and/or a rejection have been met. Thus, the applicants reserve the right to analyze and dispute any such assertions and implications in the future.

Respectfully submitted,

January 8, 2009


Leonard P. Linardakis, Attorney
Reg. No. 60,441
Tel.: (732) 936-1400

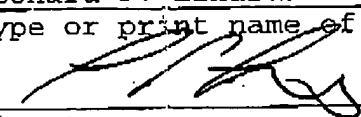
RECEIVED
CENTRAL FAX CENTER
JAN 08 2009

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

Leonard P. Linardakis

Type or print name of person signing certification


Signature

January 8, 2009
Date